

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**CINDY C. HOLMES
PLAINTIFF**

AND

HUGHES MANAGEMENT, INC.
A Member of the BCAM Self-Insurer's Fund

INTERVENOR

VERSUS

CIVIL ACTION NO. 2:09-cv-00039-WAP-DAS

**THE ESTATE OF LEE WADE and
JOHN J. CAMPBELL CO., INC.**

DEFENDANTS

ORDER APPROVING THIRD-PARTY SETTLEMENT

THIS CAUSE HAVING COME before this Court on the Joint Motion of the parties, Plaintiff, Cindy C. Holmes, Intervenor, Hughes Management, A Member of the BCAM Self-Insurer's Fund, and Defendants, The Estate of Lee Wade and John J. Campbell Company (incorrectly named herein as John J. Campbell Co., Inc.) pursuant to § 71-3-71 of the Mississippi Code of 1972 for approval of a third party settlement and dismissal of this cause, and the Court, being fully advised in the premises, finds and adjudges the following, to-wit:

I.

That on or about October 21, 2005, the Plaintiff, Cindy C. Holmes, was employed by Hughes Management, Inc., which is self-insured for the purposes of providing Workers' Compensation Insurance. On said date, while within the course and scope of her employment, the Plaintiff, Cindy C. Holmes, was injured when the vehicle she was operating came into contact with the vehicle driven by the Defendant,

Lee Wade, and owned by the Defendant, John J. Campbell Co., Inc. As a result of the accident, the Plaintiff alleges that she was required to seek medical treatment and, as a further result, received medical benefits and Workers' Compensation payments totaling Twenty One Thousand Six Hundred Seventy and 39/100 Dollars (\$21,670.39) from the Intervenor, Hughes Management, Inc., a Member of the BCAM Self-Insurer's Fund, pursuant to § 71-3-1 et seq., Miss. Code Ann. (1972), and/or the Mississippi Workers' Compensation Act.

II.

That the instant lawsuit was initiated by the Plaintiff, Cindy C. Holmes, against the Defendants, the Estate of Lee Wade and John J. Campbell Co., Inc., as a third party action pursuant to § 71-3-71, Miss. Code Ann. (1972), for injuries and damages sustained contending they were the result of the negligence of the Defendants, the Estate of Lee Wade and John J. Campbell Co., Inc. The Defendants have answered contending that Lee Wade was an employee of John J. Campbell Co., Inc., that the injuries complained of by the Plaintiff were caused solely and/or proximately by pre-existing conditions, or in the alternative, that any and all damages sustained by the Plaintiff were directly and proximately caused, in whole or in part, by acts or omissions of others.

III.

That the parties hereto have agreed to a compromise settlement whereby the Defendants agree to pay the sum of Seventy Five Thousand and NO/100 Dollars (\$75,000.00) for which the Plaintiff, Cindy C. Holmes, and the Intervenor, Hughes Management, Inc., a Member of the BCAM Self-Insurer's Fund, will execute a full and complete release in favor of the Defendants and will agree to the entry of an order

dismissing this cause on its merits, with prejudice, the parties bearing their own costs. Further, the Plaintiff has agreed to pay a sum of money specified hereinafter to the Intervenor, Hughes Management, Inc., a Member of the BCAM Self-Insurer's Fund, as full and complete satisfaction of the compensation lien of the Intervenor arising out of and connected with the injuries upon which the subject lawsuit has been instituted.

IV.

That the Petitioners are hereby authorized to disburse the settlement as follows:

- (1) \$ 30,000.00 as attorneys fees and reasonable case expenses;
- (2) \$ 21,670.39 to Hughes Management, Inc., a Member of the BCAM Self-Insurer's Fund;
- (3) \$ 23,329.61 being the balance, to the Plaintiff.

It is, therefore, ORDERED and ADJUDGED, that the third party settlement as proposed by the parties is hereby approved, as set forth above, and the distribution as proposed is likewise approved as set forth above.

It is, further, ORDERED and ADJUDGED, that this matter be hereby dismissed, with prejudice, all Motions being denied as moot, the parties to bear their own costs as have been incurred herein.

SO ORDERED this the 21st day of May, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM:

/s/ Mary A. Brown

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/s/ James Hall

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